THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.14850 OF 2005

ORAL ORDER:

Heard both sides.

This writ petition is filed by the Andhra Pradesh State Road Transport Corporation questioning the order dated 02-05-2005 made in A.P.No.500 of 2003 on the file of the State Transport Appellate Tribunal, Andhra Pradesh, Hyderabad (for short, the Tribunal), setting aside the order dated 19-12-2002 passed by the Regional Transport Authority, Nellore district, whereunder the request of the third respondent for grant of pucca stage carriage permit on the existing town service route – DSRG Hospital to Pallipadu was rejected.

It is to be noted that A.P.No.500 of 2003 was allowed following the Full Bench decision of this Court in *APSRTC v. State Transport Appellate Tribunal*[1], whereunder it was held that there was no prohibition for grant of permits to ply town services though the route in question overlaps on the notified mofussil route.

When the matter is taken up for consideration, it is brought to my notice by the learned counsel for both the parties that during the pendency of this writ petition, a Constitutional Bench of the Supreme Court in *APSRTC v. Regional Transport Authority and another*[2], reversed the said decision of the Full Bench of this Court holding that under Exception 2 contained in the Note appended to the Scheme permits can be issued only to the existing town services operating in the notified routes which means only existing operators on the notified routes are eligible for permits and fresh applicants or future applicants are totally ineligible for granting permits for town services operating on notified routes.

It is submitted by the learned counsel for the petitioner that since the appeal was allowed by the Tribunal without going into the merits of the case, the matter requires reconsideration on merits. The

learned counsel for the respondents does not dispute the same. It is stated that as a matter of fact, a batch of writ petitions have already been disposed of remanding the matters to the Tribunal for consideration afresh.

Accordingly the impugned order dated 02-05-2005 made in A.P.No.500 of 2003 by the Appellate Tribunal is set aside and the writ petition is allowed remanding the matter to the Appellate Tribunal for consideration afresh on merits and to pass appropriate orders in accordance with law after hearing both sides. No costs.

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(G. ROHINI, J)

Date:3-07-2006
Kgr

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.14850 of 2005

Dated 3-07-2006

Between:

APSRTC, rep. by its Managing Director,
Musheerabad, Hyderabad. **.. Petitioner.**

AND

The State Transport Appellate Tribunal,
Manoranjan Complex, M.J. Road,
Nampally, A.P., Hyderabad and two others. **.. Respondents.**

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[1] 2001 (2) ALT 532 (FB)

[2] (2005) 4 SCC 391